

N.D.A.G. Letter to Swanson (Jan. 20, 1986)

January 20, 1986

Mr. Howard W. Swanson
Assistant City Attorney
P.O. Box 1950
Grand Forks, ND 58206

Dear Mr. Swanson:

Thank you for your letter of January 6, 1986, posing two questions concerning special meetings of the city council and reconsideration of earlier action by the council.

As to your first question concerning special city council meetings, North Dakota law, as found in N.D.C.C. § 40-08-10 provides, in part, as follows:

The city council shall hold its regular meetings at least once a month on or before the fifteenth day of the month on a date certain established by resolution or ordinance of the council, and may prescribe by ordinance the manner in which special meetings may be called as well as the establishment of any additional regular meetings desired.

This particular statute clearly bestows upon the city council the authority to pass ordinances describing the manner in which its special meetings may be called. In the factual situation described in your letter, it would appear that this city council has indeed enacted an ordinance providing for the method by which special council meetings may be called. Thus, the question of whether the city council was legally convened must be answered by a review of the city ordinance involved as opposed to state law. As assistant city attorney, you are in the proper position to pass upon questions involving the city ordinances of Grand Forks. Thus, we would defer to your judgment as to whether the special meeting of the Grand Forks City Council was convened in compliance with city ordinances.

Your second question involves the reconsideration of prior action of the city council without a procedural vote for reconsideration. Our review of the North Dakota Century Code has failed to locate any discussion on this particular subject by the legislature. It seems to us that the legislature has obviously yielded such matters involving the specific procedures of meetings of the city council to the city council to determine either by rules of order which it adopts or other resolutions of meeting procedures. Thus, we would once again defer to your judgment on this question as you are in a much better position to determine applicable rules of order which may have been adopted by the city council of Grand Forks.

Sincerely,

Nicholas J. Spaeth

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